

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

TAMI JERNIGAN and
JENNIFER HALLER,

Plaintiffs,

v.

ALDERWOODS GROUP, INC., dba
YOUNG'S FUNERAL HOME,
ALDERWOODS (OREGON), INC.,
and BOB BAKER, individually,

Defendants.

Civil No. 05-1420-PK

ORDER

MARSH, Judge.

Magistrate Judge Paul Papak filed his Findings and Recommendation on April 4, 2007. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When either party objects to any portion of the Magistrate's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate's report. See 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Plaintiffs have filed timely objections. I have, therefore, given the file of this case a *de novo* review.

I find no error. Accordingly, I ADOPT the Findings and Recommendation #70 of Magistrate Judge Papak. Defendants' Motion for Summary Judgment (#26) is granted with respect to Haller's claim for sexual harassment under Title VII and Oregon law, both plaintiffs' claims for retaliation under Title VII and Oregon law, both plaintiffs' claims for wrongful discharge, and negligent supervision and retention. Defendants' Motion for Summary Judgment (#26) is denied with respect to Jernigan's claim for sexual harassment under Title VII and Oregon law. Defendants' Motion for Summary Judgment on plaintiffs' claim for punitive damages is denied. Defendant Bob Baker is dismissed from this case. Defendants' Motion to Supplement the Summary Judgment Record (#60) and plaintiffs' Motion to Strike the Declaration of Guinevere Jones (#64) are denied as moot. Defendants' Motion to Strike Plaintiffs' Evidence in Support of Opposition to Motion for Summary Judgment (#49) is granted in part and denied in part as follows: objections to Exhibits 51, 52, 55 and 61 are sustained; all other objections are overruled.

IT IS SO ORDERED.

DATED this 21 day of May, 2007.

/s/ Malcolm F. Marsh
Malcolm F. Marsh
United States District Judge